

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TONI McCOLLOM,)
Plaintiff,)
vs.) NO. 3:11cv30079-KPN
MICHAEL J. ASTRUE,)
Commissioner of Social)
Security Administration,)
Defendant.)

STIPULATION AS TO ATTORNEY'S FEES

Now come the parties, by and through undersigned counsel, and pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, hereby stipulate and agree to a lump sum payment of said fees in the amount of \$4,714.14. The plaintiff waives any claim for costs.

Pursuant to an assignment agreement, the plaintiff has requested that these EAJA fees be paid directly to his attorney, Richard C. Roth, Esquire. The United States Supreme Court recently held that EAJA fees are payable to the prevailing party, not the prevailing party's attorney. See Astrue v. Ratliff, 130 S. Ct. 2521 (2010). Additionally, the Supreme Court held that such fees are subject to offset, under the Treasury Offset Program, to satisfy any preexisting debt that the prevailing party might owe to the federal government. Id. As a convenience to Attorney Roth, the Commissioner will accept the EAJA fee assignment in this case and pay the fees directly to Attorney Roth if the defendant determines, at the time of approval of this

Stipulation, that the plaintiff owes no debt to the federal government that would require offset of those fees.

Respectfully submitted,

CARMEN M. ORTIZ
United States Attorney

By:

/s/ Richard C. Roth
RICHARD C. ROTH, ESQUIRE
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THE FOREGOING STIPULATION IS HEREBY APPROVED THIS 17
DAY OF August, 2012. SO ORDERED.

Kenneth P. Neiman
KENNETH P. NEIMAN
U.S. Magistrate Judge